



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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COMMISSIONER

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January 13, 2010

James C. Harrington
Director, Texas Civil Rights Project
Michael Tigar Human Rights Center
1405 Montopolis Drive
Austin, Texas 78741-3438

Re: *Beleno v. David L. Lakey, M.D. and Nancy W. Dickey, M.D.*, Cause No.
SA-09-CA-0188; In the United States District Court for the Western District of
Texas, San Antonio Division

Dear Mr. Harrington:

As a condition of the settlement terms of the lawsuit referenced above, DSHS agreed to inform the Plaintiffs of the uses, if any, to which their children's newborn screening blood spots have been put, and to disclose financial transactions, if any, involving those blood spots.

DSHS records do not indicate any usage of the blood spots taken from the Plaintiffs' children born in Texas (listed below) beyond newborn screening tests for those children. Blood spots for the Overath children, and the two oldest Courtney children, have been destroyed according to DSHS practice at that time. The remaining blood spots are in the possession of DSHS, and will be destroyed pursuant to the terms of the settlement agreement absent prior receipt of written consent to retain and use those specimens. There have been no financial transactions of any kind regarding any of these blood spots.

List of children:

Beleno, Mother: Andrea

Baby Boy Beleno (Joaquin Harrington): date of birth: 11/4/2008 (specimens collected on 11/6/2008 and 11/21/2008)

Courtney, Mother: Lisa Keckler

Elizabeth Courtney: date of birth: 12/19/1998 (specimens collected on 12/20/1998 and 12/31/1998 - destroyed <7/2002)

Kathryn Courtney: date of birth: 7/16/2001 (specimens collected on 7/17/2001 and 7/30/2001 - destroyed <7/2002)

Robert Courtney: date of birth: 12/30/2003 (specimens collected on 1/1/2004 and 1/9/2004)

Margaret Courtney: date of birth: 5/31/2007 (specimens collected on 6/2/2007 and 6/15/2007)

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Overath, Mother: Maryann Overath

Lucas Grisham: date of birth: 12/23/1993 (specimens collected on 12/24/1993 and 1/6/1994 – destroyed <7/2002)

Matthew Grisham: date of birth: 12/6/1998 (specimens collected on 12/7/1998 and 12/18/1998 - destroyed <7/2002)

Taylor, Mother: Lisa McMillan/Lisa Taylor (two variations on mother's name given for same infant)


Kylah Taylor: date of birth: 1/10/2009 (specimens collected on 1/12/2009 and 1/28/2009)

Pacheco, Mother: Nancy

Olive Glenn: date of birth: 8/14/2009 (specimens collected on 8/16/2009 and 9/1/2009)

If you have any questions, please direct them to Assistant Attorney General Nancy Juren.

Best regards,



Susan M. Tanksley, PhD
Branch Manager, Biochemistry and Genetics

cc: Walter Ehresman, Assistant General Counsel, DSHS
Antonia Aguilar, Assistant General Counsel, TAMU
Nancy Juren, Assistant Attorney General, OAG